

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

<b>WILLIAM RUSSELL,</b>	:	
	:	
<b>Plaintiff,</b>	:	<b>Civil Action Number:</b>
	:	
<b>vs.</b>	:	<b>1:14-cv-00192-TCB</b>
	:	
<b>FREESE II, INC. and DAVID L.</b>	:	
<b>WHORTON,</b>	:	
	:	
<b>Defendants.</b>	:	
	:	

**JOINT MOTION FOR REVIEW AND APPROVAL  
OF SETTLEMENT AND RELEASE AGREEMENT**

Plaintiff William Russell (“Plaintiff”) and Defendants Freese II, Inc. and David L. Whorton (“Defendants”), by and through the undersigned counsel, move this Court for a review and approval of their Settlement Agreement and Release of Claims. As grounds for this Motion, the Parties show the Court as follows:

1.

Plaintiff filed his Complaint [Dkt. 1] on January 22, 2014, alleging violations of the Fair Labor Standards Act (“FLSA”), 29 U.S.C. §201, *et seq.*

2.

Based upon the understandings and assessments of each party, the Parties, acting at arms length and in good faith and with the advice of counsel, have

negotiated and entered into a Confidential Settlement Agreement and General Release (hereafter “the Agreement”).

3.

The Parties represent that the terms set forth in the Agreement represent a compromise between the positions of the parties and that the amount of money allotted to back pay is a fair approximation of Plaintiff’s potential recovery if he prevailed at trial.

4.

Pursuant to Lynn’s Food Stores, Inc. v. United States of Am., 679 F.2d 1350, 1353 (11th Cir. 1982), judicial approval is required to give effect to Plaintiff’s release of his FLSA claims, which is material to the Agreement.

5.

Once the Court approves the Agreement and all payments have been made as set forth in Paragraph 1 of the Agreement, the Parties will file a Stipulation of Dismissal of this case with prejudice.

6.

Because the Parties have agreed to keep the terms of the Agreement confidential, the Parties will submit a copy of the Agreement directly to chambers for the Court’s consideration, along with a courtesy copy of this Motion.

7.

The Parties further request that the Court retain jurisdiction over this matter until all payments have been made as set forth in Paragraph 1 of the Settlement Agreement and incorporate the Agreement into its Order granting this Motion.

WHEREFORE, the Parties respectfully request that this Court review and approve their Settlement Agreement and Release. For the Court's convenience, a proposed Order granting this Motion is attached hereto as Attachment "A".

Respectfully submitted,

**DELONG CALDWELL  
BRIDGERS & FITZPATRICK,  
LLC**

s/ Kevin D. Fitzpatrick, Jr.  
Kevin D. Fitzpatrick, Jr.  
Georgia Bar No. 262375

s/ Charles R. Bridgers  
Charles R. Bridgers  
Georgia Bar No. 080791

3100 Centennial Tower  
101 Marietta Street  
Atlanta, GA 30303  
(404) 979-3150  
(404) 979-3170 (facsimile)  
kevin.fitzpatrick@dcbflegal.com  
charlesbridgers@dcbflegal.com

COUNSEL FOR PLAINTIFF

**FORD & HARRISON LLP**

s/ Bennet D. Alsher  
Bennet D. Alsher  
Georgia Bar No. 013682

271 17<sup>th</sup> Street, NW, Suite 1900  
Atlanta, GA 30363  
(404) 888-3852  
(404) 832-8702 (facsimile)  
balsher@fordharrison.com

**BEGNER & BEGNER, P.C.**

s/ Alan I. Begner  
Alan I. Begner  
Georgia Bar No. 046975

s/ Cory G. Begner  
Cory G. Begner  
Georgia Bar No. 046980

5180 Roswell Road

South Building, Suite 100  
Atlanta, GA 30342  
(404) 531-0103  
(404) 531-0107 (facsimile)  
[abegner@begnerlaw.com](mailto:abegner@begnerlaw.com)  
[cbegner@begnerlaw.com](mailto:cbegner@begnerlaw.com)

COUNSEL FOR DEFENDANTS

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

<b>WILLIAM RUSSELL,</b>	:	
	:	
<b>Plaintiff,</b>	:	<b>Civil Action Number:</b>
	:	
<b>vs.</b>	:	<b>1:14-cv-00192-TCB</b>
	:	
<b>FREESE II, INC. and DAVID L.</b>	:	
<b>WHORTON,</b>	:	
	:	
<b>Defendants.</b>	:	
	:	

**CERTIFICATE OF COUNSEL**

Pursuant to LR 7.1 NDGa, the undersigned counsel certifies that the within and foregoing motion was prepared using Times New Roman (14 point), one of the fonts and point selections approved by the Court in LR 5.1 C NDGa.

*s/ Charles R. Bridgers*  
Charles R. Bridgers  
Georgia Bar No. 080791  
Counsel for Plaintiff

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

<b>WILLIAM RUSSELL,</b>	:	
	:	
<b>Plaintiff,</b>	:	<b>Civil Action Number:</b>
	:	
<b>vs.</b>	:	<b>1:14-cv-00192-TCB</b>
	:	
<b>FREESE II, INC. and DAVID L.</b>	:	
<b>WHORTON,</b>	:	
	:	
<b>Defendants.</b>	:	
	:	

**CERTIFICATE OF SERVICE**

I hereby certify that on the date shown above, I electronically filed the within and foregoing JOINT MOTION FOR REVIEW AND APPROVAL OF SETTLEMENT AND RELEASE AGREEMENT using the CM/ECF system, which will automatically send email notification of such filing to all counsel of record.

Respectfully submitted,

s/ Charles R. Bridgers  
Charles R. Bridgers  
Georgia Bar No. 080791